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Attorneys for Defendants  
UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S  
FEBRUARY 7, 2018  
ROLLING WITNESS LIST**

Trial Date: February 5, 2018

1 Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively, “Uber”) submit the  
2 following witness list pursuant to the Court’s Order to maintain a “rolling, written list of the next  
3 seven or fewer witnesses it intends to call at trial.” (Dkt. 2340 at 1.) Pursuant to the parties’  
4 agreements, Uber lists the witnesses in the order in which Defendants intend to call them,  
5 including two witnesses for which the parties have agreed Uber’s cross-examination can go  
6 beyond the scope of Waymo’s direct examination during Waymo’s case-in-chief. (1/30/18 Hr’g  
7 Tr. at 106:8-19, 112:11-23.) Uber anticipates that the order of the witnesses listed below will  
8 change depending on the presentation of Waymo’s case. Uber will promptly notify Waymo of  
9 any change in the witness order (*see id.* at 106:8-19), and the witness order will be updated in the  
10 next rolling witness list Uber provides pursuant to the Court’s order. (Dkt. 2340.)

- 11 1. Eric Friedberg
- 12 2. Alexander (Sasha) Zbrozek
- 13 3. Anthony Levandowski<sup>1</sup>
- 14 4. Scott Boehmke
- 15 5. James Haslim
- 16 6. David Drummond (by deposition)
- 17 7. Ben Ingram (by deposition)
- 18 8. David Lawee (by deposition)

19 Pursuant to the Court’s order on closure of the courtroom (*see* Dkt. 2492 at 3 ¶ 3(a)), Uber  
20 does not believe that any items of evidence or argument to be presented with the above-named  
21 witnesses require courtroom closure, although Waymo may have a different view.  
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26 <sup>1</sup> Defendants Uber and Ottomotto continue to believe it would be extremely prejudicial to  
27 Uber and Ottomotto for Anthony Levandowski to be called to the stand for the sole purpose of  
28 asserting the Fifth Amendment. Should the Court disagree and allow Waymo to call  
Mr. Levandowski, however, Defendants would seek leave of the Court to question  
Mr. Levandowski at the same time.

1 Dated: February 7, 2018

MORRISON & FOERSTER LLP

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3 By: /s/Arturo J. González  
ARTURO J. GONZÁLEZ

4 Attorneys for Defendants  
5 UBER TECHNOLOGIES, INC. and  
6 OTTOMOTTO LLC  
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